

Atty. Dkt. No. 200311815-1

REMARKS

This Reply is in response to the Office Action mailed on April 14, 2006 in which claim 29 was allowed, claims 10, 12 and 23 were objected to and in which claims 1-9, 11, 13-22, 24-28 and 30-56 were rejected. Claims 1-9, 11, 13-22, 24-28 and 30-56 as amended overcome the rejections. Claims 1-56 are presented for reconsideration and allowance.

I. Examiner Interview Summary

On July 14, 2006, a telephonic interview was held between Examiners Uhlenhake and Feggins, and Applicants' Attorney, Todd A. Rathe. The rejections of the claims based upon Lee, Hitrano, Belon and Greisemer were discussed. In particular, Examiner Uhlenhake clarified what structures or elements of such references allegedly read upon elements of the rejected claims. Although no agreement was reached, Applicants wish to thank Examiners Uhlenhake and Feggins for the clarifications of the rejections.

II. Rejection of Claims 1, 2, 4, and 9 under 35 USC 102(b) Based on Lee

Page 2 of Office Action rejected claims 1, 2, 4, and 9 under 35 USC 102(b) as being anticipated by Lee US Patent 5,587,729. Claim 1 is amended. Claims 1, 2, 4 and 9, as amended, overcome the rejection based upon Lee.

Claim 1, as amended, recites a printhead servicing mechanism which includes an axially movable drive shaft including a gear and a sled including first and second engagement structures each adapted to selectively engage the gear and a retaining structure position between the first and second engagement structures.

Lee fails to disclose or suggest an axially movable drive shaft. During the Examiner Interview held on July 14, 2006, the Examiner indicated that portion 34 was considered to be the drive shaft. However, nowhere does Lee disclose that portion 34 is axially movable. Thus, claim 1, as amended, overcomes rejection based upon Lee. Claims 2, 4 and 9 depend from claim 1 and overcome the rejection for the same reasons.

Atty. Dkt. No. 200311815-1

III. Rejection of Claims 13 and 19 under 35 USC 102(b) Based on Hirano

Page 3 of the Office Action rejected claims under 35 USC 102(b) as being anticipated by Hirano U. S. Patent 5,907,334. For the reasons which follow, Applicants request the rejection of such claims be withdrawn.

Claim 13 recites a printer which includes a first sled including a first engagement structure and a second sled including a second engagement structure. The printer further includes a service station drive structure movable between the first engaged position engaging the first engagement structure and a second engaged position engaging the second engagement structure.

Hirano fails to disclose or suggest a first sled including a first engagement structure, a second sled including a second engagement structure and a drive structure movable between a first engaged position engaging the first engagement structure and a second engaged position engaging the second engagement structure. During the Examiner Interview held on July 14, 2006, the Examiner characterized carriers 10 and 19 as sleds, characterized head 11 as a first engagement structure and characterized heads 20, 21 and 22 as the second engagement structure. The Examiner further characterized either capper 37 or capper 34 as the service station drive structure.

However, as noted during the Examiner Interview, nowhere does Hirano disclose that either capper 37 or capper 34 is movable between a first engaged position engaging the first engagement structure and a second engagement position engaging the second engagement structure. In other words, nowhere does Hirano disclose that the Black ink capper 37 caps both head 11 (characterized as a first engagement structure) and heads 20, 21 and 22 (characterized as the second engagement structure). Neither capper 37 nor capper 34 move between different positions engaging different heads. Thus, the rejection of claims 13 and 19 should be withdrawn.

Atty. Dkt. No. 200311815-1

IV. Rejection of Claims 31-35, 38-39, 42 and 43 under 35 USC 102(b) Based on Belon

Page 3 of the Office Action rejected claims 31-35, 38-39, 42 and 43 under 35 USC 102(b) as being anticipated by Belon et al. US Patent 6,172,691. For the reasons which follow, the rejection of such claims should be withdrawn.

A. Claim 31

Claim 31 recites a printhead servicing mechanism which includes a sled including a rack adapted to selectively engage the drive shaft.

Belon fails to disclose a printhead servicing mechanism which includes a sled including a rack adapted to selectively engage the drive shaft. The Office Action characterized activation shaft 150 of Belon as the drive shaft. However, nowhere does Belon disclose or suggest that shaft 150 is ever selectively engageable with rack assembly 198. In contrast, shaft 150 of Belon appears to be always in an engagement with rack assembly 198. Shaft 150 is never selectively engageable with rack assembly 198.

During the Examiner interview, the Examiner referred to movement of rocker arm 146 to engage rocker gear 144 with activation gear 152. However, as noted during the Examiner Interview, although activation shaft 150 may be selectively engageable with rocker gear 144, Belon does not teach that activation shaft 150 is selectively engageable with rack assembly 198. Thus, the rejection of claims 31 should be withdrawn. Claims 32-35 and 38-39 depend from claim 31 and are patently distinct over Belon for the same reasons.

B. Claim 42

Claim 42 recites a printer which includes a sled having an engagement structure and further recites a drive shaft that is movable between an engaged position and a disengaged position with respect to the engagement structure.

Atty. Dkt. No. 200311815-1

Belon fails to disclose a drive shaft that is movable between an engaged position and a disengage position with respect to engagement structure of a sled. Once again, the Office Action characterized activation shaft 150 of Belon as the drive shaft. However, nowhere does Belon disclose that activation shaft 150 is movable between an engaged position and a disengaged position with respect to engagement structure of a sled. In contrast, deer and 190 of shaft 150 is always in engagement with the idler gear which is always in engage with rack assembly 198. Thus, the rejection of claim 42 should be withdrawn. Claim 43 depends from claim 42 and is patentably the distinct over Belon for the same reasons.

V. Rejection of Claims 20-22, 24-28, 46-49 and 51-54 and 43 under 35 USC 102(b)
Based on Griesemer

Page 6 of the Office Action rejected claims 20-22, 24-28, 46-49 and 51-54 and 43 under 35 USC 102(e) as being anticipated by Griesemer et al. US Publication 2004/0252154. For the reasons which follow, the rejection of such claims should be withdrawn.

A. Claim 20

Claim 20 recite a printing mechanism which includes means for servicing a printhead, wherein the means for servicing includes means for retaining and the first and second means for engaging. Claim 20 further recites means for translating the means for servicing, wherein the means for translating moves from a first translating position in engagement with the first means for engaging in a second translating position in engagement with the second means for engaging.

Griesemer fails to disclose or suggest a printing mechanism which includes means for servicing a printhead, wherein the means for servicing includes means for retaining and the first and second means for engaging. Griesemer also fails to disclose means for translating the means for servicing, wherein the means for translating moves from a first translating position in engagement with the first means for engaging in a second translating position in engagement with the second means for engaging. During the Examiner Interview held on July 14, 2006, the

Atty. Dkt. No. 200311815-1

Examiner characterized carrier engagement member 74 as a means for translating. The Office Action further characterized guides slots 86 as the retaining region or means for retaining. However, Claim 20 recites that the means for translating translates or moves the means for servicing. The means for servicing is recited as including the means for retaining. Thus, claim 20 recites at the means for training also are translated. Guide slots 86 of Griesemer (characterized as the means for retaining are never translated. Moreover, nowhere to Griesemer disclose that carrier engagement member 74 of Griesemer (characterize as the translating means) moves between different translating positions in engagement with either the first means for engaging or the second means for engaging. Thus, the rejection of claim 20 should be withdrawn. Claims 21-22 depend from claim 20 and are patentable distinct over Griesemer for the same reasons.

B. Claim 24

Claim 24 recite a method of actuating a service mechanism to service a printhead. The method includes moving a translation device into engagement with a retaining portion of a first servicing mechanism, powering the translation device such that the first servicing mechanism is moved with respect to the translation device such that the translation device is positioned out of the retaining region, moving the translation device into engagement with the second region of the servicing mechanism and powering the translation device such that the second servicing mechanism is moved with respect to the translation device.

Griesemer fails to disclose moving a first servicing mechanism with respect to a translation device and moving a second servicing mechanism with respect to the translation device. During the Examiner Interview held on July 14, 2006, the Examiner characterized carrier engagement member 74 as the translation device. However, as noted during the Examiner Interview, nowhere does Griesemer disclose that carrier engagement member 74 moves with respect to a servicing mechanism (sled 70). In fact, member 74 is fixed to sled 70.

Atty. Dkt. No. 200311815-1

Moreover, the Office Action further characterized guide slots 86 of Griesemer as the retaining regions. However, nowhere does Belon disclose that carrier engagement member 74 is moved into engagement with a retaining member (guide slots 86). Thus, the rejection of claim 24 should be withdrawn. Claims 25-28 depend from claim 24 and are patentably distinct over Griesemer for the same reasons.

C. Claim 46

Claim 46 recites a printing mechanism which includes means for translating a means for servicing a printhead. The means for servicing includes means for retaining the means for translating in engagement with the means for servicing in a predetermined zone of engagement of the means for retaining.

Griesemer fails to disclose means for translating and means for servicing, wherein the means for servicing includes means for retaining the means for translating in engagement with the means for servicing in a predetermined zone of engagement of the means for retaining. During the Examiner Interview held on July 14, 2006, the Examiner characterized carrier engagement member 74 as the means for translating. The Office Action further characterized guide slots 86 as retaining means. Once again, claim 46 recites that the means for retaining retains a means for translating in engagement with the means for servicing in a predetermined zone of engagement with the means retaining. Carrier engagement member 74 is not positioned in a zone of guide slots 86. Moreover, guide slots 86 are not part of sled 70 (characterized as the means for servicing). Thus, the rejection of claim 46 should be withdrawn. Claims 47-49 depend from claim 46 and are patentably distinct over Griesemer for the same reasons.

D. Claim 51

Claim 51 recite a method of actuating a service mechanism which includes moving a translation device into engagement with a first region of a servicing mechanism and powering the translation device such that the servicing mechanism is moved with respect to the translation

Atty. Dkt. No. 200311815-1

device and such that a second region of the servicing mechanism is moved into engagement with the translation device.

Griesemer fails to disclose moving a translation device into engagement with a first region of a servicing mechanism and powering the translation device such that the servicing mechanism is moved with respect to the translation device. Once again, during the Examiner Interview, the Examiner characterized carrier engagement member 74 as the translation device. Nowhere does Griesemer disclose that member 74 is moved with respect to sled 70 (characterized as the servicing mechanism). Thus, the rejection of claim 51 should be withdrawn. Claims 52-54 depend from claim 51 and are patentably distinct over Griesemer for the same reasons.

VI. Rejection of Claims 3, 5-7 and 11 under 35 USC 103(a) Based upon Lee and Schalk

Page 11 of the Office Action rejected claims 3, 5-7 and 11 under 35 USC 103(a) as being obvious over Lee et al US Patent 5,587,729 in view of Schalk et al. US Publication 2004/0046826. Schalk is not prior art to the present application under 35 U.S.C. § 103. In particular, 35 U.S.C. § 103(c) precludes application of Schalk, since Schalk and the present application, at the time the invention of the present application was made, were owned by the same person or subject to an obligation of assignment to the same person, namely Hewlett-Packard. Thus, the rejection of Claims 3, 5-7 and 11 under 35 U.S.C. § 103(a) based upon Lee in view of Schalk is improper and should be withdrawn.

VII. Rejection of Claims 14-18 and 20 under 35 USC 103(a) Based upon Hirano and Griesemer

Page 15 of the Office Action rejected claims 14-18 and 20 under 35 USC 103(a) as being unpatentable over Hirano in view of Griesemer. Claims 14-18 depend from claim 13 and overcome the rejection for the same reasons discussed above with respect to the rejection of

Atty. Dkt. No. 200311815-1

claim 13 based upon Hirano. Griesemer fails to satisfy the deficiencies of Hirano. Similarly, Claim 20 overcomes rejection of the same reasons discussed above with respect to the rejection of claim 20 based upon Hirano alone. Griesemer fails to satisfy the deficiencies of Hirano. Accordingly, the rejection of claims 14-18 and 20 should be withdrawn.

VIII. Rejection of Claim 19 under 35 USC 103(a) Based upon Hirano, Griesemer and Lee

Page 19 of the Office Action rejected claim 19 under 35 USC 103(a) as being unpatentable over Hirano in view of Griesemer and further in view of Lee. Claim 19 depends from claim 13 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 13 based upon Hirano. Neither Griesemer nor Lee, alone or in combination, satisfy the deficiencies of Hirano.

IX. Rejection of Claim 37 under 35 USC 103(a) Based upon Belon, Griesemer and Gaasch

Page 23 of the Office Action rejected claim 37 under 35 USC 103(a) as being unpatentable over Belon in view of Griesemer and further in view of Gaasch U. S. Patent 6,357,851. Claim 37 depends from claim 31 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 31 based upon Belon. Neither Griesemer nor Gaasch, alone or in combination, satisfy the deficiencies of Belon.

X. Rejection of Claims 36, 40-41, 44-45 and 55 under 35 USC 103(a).Based upon Belon and Griesemer

Page 24 of the Office Action rejected claims 36, 40-41, 44-45 and 55 under 35 USC 103(a) as being unpatentable over Belon in view of Griesemer. Claims 36, 40-41 and 55 depends from claim 31 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 31 based upon Belon. Claims 44-45 to 10 and from claim 42 and overcome

Atty. Dkt. No. 200311815-1

rejection for the same reasons discussed above with respect to the rejection of claim 42 based upon Belon. Griesemer fails to satisfy the deficiencies of Belon.

XI. Rejection of Claim 30 under 35 USC 103(a) Based upon Lee and Griesemer

Page 27 of the Office Action rejected claim 30 under 35 USC 103(a) as being unpatentable over Lee in view of Griesemer. Claim 30 depends from claim 1 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 1 based upon Lee. Griesemer fails to satisfy the deficiencies of Lee.

XII. Rejection of Claim 56 under 35 USC 103(a) Based upon Belon and Kimura

Page 28 of the Office Action rejected claim 56 under 35 USC 103(a) as being unpatentable over Belon in view of Kimura. Claim 56 depends from claim 31 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 31 based upon Belon. Kimura fails to satisfy the deficiencies of Belon.

XIII. Rejection of Claim 50 under 35 USC 103(a) Based upon Griesemer, Taylor, Ota and Belon

Page 29 of the Office Action rejected claim 50 under 35 USC 103(a) as being unpatentable over Griesemer in view of Taylor et al. US Patent 6,328,412, Ota US Publication 2003/0169312 and Belon.. Claim 50 depends from claim 46 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 46 based upon Griesemer. Neither Taylor, Ota nor Belon, alone or in combination, satisfy the deficiencies of Belon.

XIV. Conclusion

After amending the claims as set forth above, claims 1-56 are now pending in this application.

Atty. Dkt. No. 200311815-1

Applicants believe that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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By Todd A. Rathe

RATHE PATENT & IP LAW
Customer No. 22879
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276